

REMARKS

Claims 1-27 are pending in this application. Claims 1-27 have been rejected. In that regard, Claims 1-3, 6-9, 14, 15, and 24-26 have been rejected under 35 U.S.C. § 102(e), and Claims 4, 5, 10-13, 16-23, and 27 have been rejected under 35 U.S.C. § 103(a).

Claims 1 and 14 have been amended. Claim 26 has been canceled. In view of the remarks that follow, applicants respectfully submit that all claims are now in condition for allowance.

Rejections Under 35 U.S.C. § 102(e)

Claims 1-3, 6-9, 14, 15, and 24-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,762,339, issued to Klun et al. (hereinafter "Klun").

Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention. Because Klun fails to teach or even suggest the invention as claimed, Klun is not anticipatory. The following analysis focuses on the independent claims, Claims 1 and 14.

Independent Claim 1, as presently amended, recites an absorbent structure for use in an article for absorbing blood. The absorbent structure includes fibers formed into a first web, the first web having a first surface and a second surface spaced from the first surface. The absorbent structure further includes a blood absorbent enhancing agent within the first web, the blood absorbent enhancing agent present in a first amount adjacent the first surface and present in a second amount adjacent the second surface, the first amount being unequal to the second amount.

Independent Claim 14, as presently amended, recites an absorbent structure for use in an article for absorbing blood. The absorbent structure includes a first web comprising fibers that are bonded together, the first web having a first density. The absorbent structure further includes a second web including fibers, wherein the second web has a first surface and a second surface

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spaced from the first surface. The second web further includes a blood absorbent enhancing agent present in a first amount adjacent the first surface and present in a second amount adjacent the second surface, the first amount being unequal to the second amount.

The Klun reference generally describes hydrophilic polypropylene fibers having antimicrobial activity. Referring to FIGURE 1, an absorbent device 10 having an absorbent layer 11 is comprised of one or more layers of non-woven or woven fabrics, webs, or fiber batts, which may include these hydrophilic polypropylene fibers, as well as other commonly used hydrophilic fillers (see Col. 7, line 62, to Col. 8, line 2; Col. 6, lines 25-30).

One suitable antimicrobial enhancer described in Klun is lactic acid (see Col. 7, lines 38-39). The Office Action cites an example of disposing lactic acid on the fibers (see Col. 26, line 50, to Col. 27, line 3), as follows:

In Example 81, following the extrusion of the hot polymeric fibers, an aqueous solution of LA [(lactic acid)] was sprayed onto the fibers to achieve a level of 1.5% (based on the total weight of the coated and dried web.) The heat of the polymer evaporated the water and left the lactic acid intimately in contact with the GML [(glycerol monolaurate)]-containing fibers.

Thus, this passage of Klun generally teaches spraying lactic acid onto the warm polymeric fibers after they are extruded. As discussed at Col. 3, lines 51-57, the extrusion process is such that fibers are formed by extruding molten thermoplastic material "through a plurality of fine, usually circular, die capillaries as molten threads or filaments into a high velocity, usually heated (e.g., air) stream...."

Klun is not anticipatory of amended Claims 1 and 14, because Klun fails to describe each and every element of amended Claims 1 and 14. In that regard, both Claims 1 and 14 recite a blood absorbent enhancing agent within the web (the first web of Claim 1 and the second web of Claim 14), "the blood absorbent enhancing agent present in a first amount adjacent the first surface and present in a second amount adjacent the second surface, the first amount being

unequal to the second amount." The cited passage of Klun (at Col. 26, line 50, to Col. 27, line 3) merely describes spraying lactic acid onto the warm polymeric *fibers* following the extrusion of the fibers. Thus, the cited passage of Klun fails to teach or suggest the presence of lactic acid (or any other blood absorbent enhancing agent) adjacent any surface of the *web* of fibers, much less the presence in a first amount adjacent the first surface of the first web and the presence in a second amount adjacent the second surface of the first web, the first amount being unequal to the second amount.

Even if Example 81 of Klun, described above (see also Col. 26, line 50, to Col. 27, line 3), is interpreted to suggest that an aqueous solution of lactic acid "[was] disposed within the first web 11 by coating the first surface" (as stated in the Office Action), Klun still fails to teach or suggest each and every element of Claims 1 and 14. In that regard, Klun still fails to teach or suggest a blood absorbent enhancing agent *present* in a first amount adjacent the first surface of the web, and *present* in a second amount adjacent the second surface of the web. Based on this interpretation, Klun at best suggests the presence of lactic acid on only a single surface of the web, and not adjacent the first *and* second surfaces of the web.

For these reasons, Claims 1 and 14 and the claims depending therefrom are not anticipated by Klun, and therefore should be allowable.

Rejections Under 35 U.S.C. § 103(a)

Claims 4, 5, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Klun et al., in view of U.S. Patent No. 6,013,252, issued to Terao et al. (hereinafter "Terao"). In addition, Claims 10-13, 18-23, and 27 stand rejected as being unpatentable over Klun in view of U.S. Patent Application Publication No. 2003/0236511 A1, invented by Jones et al. (hereinafter "Jones"). The following analysis also focuses on the independent claims, Claims 1 and 14.

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To establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The cited references, either alone or in combination, fail to teach or suggest all of the claim limitations of Claims 1 and 14.

As described in detail above, Klun fails to teach or suggest "the blood absorbent enhancing agent present in a first amount adjacent the first surface and present in a second amount adjacent the second surface, the first amount being unequal to the second amount," as recited in independent Claims 1 and 14. Neither Terao nor Jones provide any teaching or suggestion to overcome the shortcomings of Klun. For these reasons, Claims 1 and 14 and the claims depending therefrom are also not obvious, and therefore should be allowable.

Prior Art Made of Record

The Office Action cites U.S. Patent No. 6,639,120, issued to Wallajapet et al.; U.S. Patent No. 6,469,080, issued to Miyake et al.; and U.S. Patent No. 5,610,208, issued to Dairoku et al., as prior art made of record, but not relied upon. Applicants disagree with the statement that these references are pertinent to the applicants' disclosure.

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CONCLUSION

In view of the foregoing remarks, applicants respectfully request reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned attorney if there are any remaining issues.

Respectfully submitted,

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